

No. 14/13/87-6Lab/284.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Sentinal Security Services, Faridabad *versus* Sh. Tek Chand.

IN THE COURT OF MRS. NIRMAL YADAV, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNALCUM-LABOUR COURT, GURGAON

Reference No. 440 of 1992

*between*

SHRI TEK CHAND, C/O SHRI MURLI KUMAR, GENERAL SECRETARY, 5/1, SHIVAJI  
NAGAR, GURGAON

*and*

THE MANAGEMENT OF M/S. SENTINAL SECURITY SERVICES, HOUSE NO. 1006,  
SECTOR 7-C, FARIDABAD, (2) MINI POWER, DHARUHERA.

*Present :*

Shri Murli Kumar for the workman.

None for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Govt. Labour Department Endorsement No. 43425--31, dated 11th September, 1992 :—

Whether the termination of services of Shri Tek Chand is legal and justified ? If not, to what relief is he entitled ?

2. The facts according to the claim statement of the petitioner are that he was appointed as Watchman with the respondent management w.e.f. 17th September, 1990 at the salary of Rs. 700 p.m. However, management illegally terminated his service w.e.f. 7th February, 1992. Management did not comply with the mandatory provisions of the I.D. Act at the time of termination of his service.

3. Claim of the petitioner is contested by the management on the ground that petitioner was transferred from Mini Power (N) Ltd., Dharuhera to M/s. Killick Slotted Angles Ltd., Bhiwadi on 7th February, 1992, but petitioner did not join duty. It is stated that petitioner's services were never terminated and that he himself abandoned his job.

4. After filing written statement, case was fixed for filing rejoinder by the petitioner on 30th April, 1993. However, none appeared on behalf of the management on the said date, therefore, management was proceeded against *ex parte*.

5. In his *ex parte* evidence, workman reiterated his claim and stated that he was appointed as Security Guard by the respondent management in Mini Power (P) Ltd. Dharuhera on 17th September, 1990 at the salary of Rs 700 p.m. However, management terminated his services w. e. f. 7th February, 1992 without complying with the mandatory provisions on Section 25 F of the I.D. Act.

6. From the unrebutted testimony of the petitioner, it is evident that petitioner had continuously worked with the respondent management for more than 240 days and that management terminated his service in violation of the mandatory provisions of Section 25 F of the I.D. Act. Therefore, termination of services of the petitioner is illegal and unjustified. Management was duty bound to comply with the mandatory provisions of Section 25 F of the I.D. Act, 1947, while terminating the services of the petitioner. Consequently, petitioner is entitled to reinstatement into his job with continuity of service and full back wages. Reference is answered and returned accordingly with no order as to cost.

NIRMAL YADAV,

Dated : The 20th May, 1994

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 845-46, dated the 31st May, 1994

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Rewari.

NIRMAL YADAV,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,  
Gurgaon.

No. 14/13/87-6Lab./285.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s A. A. Fashion Ind. Gurgaon *versus* Shri Suresh Kumar.

IN THE COURT OF MRS. NIRMAL YADAV, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 329 of 1991

*between*

SHRI SURESH KUMAR, C/O SHRI P. S. RAO, LABOUR LAW ADVISOR, SHANTI  
NAGAR, NATIONAL HIGHWAY NO. 8, GURGAON

*and*

THE MANAGEMENT OF M/S. A. A. FASHION INDUSTRIES PVT. LTD., 196,  
UDYOG VIHAR GURGAON

*Present :*

Shri P. S. Rao for the workman.

None for the management.

#### AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (in short "the Act"), the Governor of Haryana, referred the following dispute between the parties, mentioned above, to this Court for adjudication,—*vide* Haryana Government Labour Department endst. No. 29541-46, dated 5th August, 1991 :—

Whether the services of Shri Suresh Kumar have been terminated or he has left his job by tendering resignation ? If not, to what relief he is entitled ?

2. The facts according to petitioner's claim statement are that he was appointed as tailor with the respondent with effect from 1st February, 1989 @ Rs. 1,200 p. m. However, his services were terminated by the management with effect from 14th February, 1991 in violation of the mandatory provisions of the Industrial Disputes Act, 1947.

3. Claim of the petitioner is contested by the management stating that reference is bad in law. It is stated that petitioner was employed as tailor in the month of February 1991 at the salary of Rs. 1,200 p. m. He only worked for 11½ days. Thereafter, he left service of his own accord after receiving his full and final account on 14th December, 1991. However, petitioner made statement in the Court that he had not received any full and final payment from the management.

4. In view of the pleadings of the parties, issues were framed on 4th June, 1992 and case was fixed for evidence of the management on 7th January, 1993. But management failed to produce any evidence, therefore, case was posted to 5th August, 1993 for producing management's evidence subject to payment of Rs. 100 as cost. On 5th August, 1993 none appeared on behalf of the management, therefore, management was proceeded against *ex parte*.

5. In his *ex parte* evidence, workman reiterated his claim and categorically stated that he was appointed with the management on 1st February, 1989 as a tailor @ Rs. 1,200 p. m. According to him, management did not give him any appointment letter, leave card or wage slip. He categorically stated that he did not execute any settlement with the management. Management has forged his signatures on some of the documents. Petitioner had submitted his specimen signature in the Court on 4th June, 1990, but management did not make any effort to get his signatures verified from the hand writing expert. Petitioner categorically stated that he continuously worked with the management with effect from 1st February, 1989 to 14th February, 1991 at the salary of Rs. 1,200 p. m. He also stated that management did not give any notice or pay in lieu thereof, nor retrenchment compensation was paid to him. Management was duty bound to comply with the mandatory provisions of Section 25F of the Industrial Disputes Act, 1947. Consequently, termination of services of the petitioner was illegal and not justified. Petitioner is entitled to reinstatement with continuity of service and full back wages. Reference is answered and returned accordingly with no order as to cost.

NIRMAL YADAV,

The 26th May, 1994.

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

-----  
Endorsement No. 835-36, dated the 31st May, 1994

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

NIRMAL YADAV,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

No. 14/13/87-6Lab./286.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Amco Electronics, Dundahera *versus* Shri Suresh Chander.

IN THE COURT OF MRS NIRMAL YADAV, PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 14 of 1993

between

SHRI SURESH CHANDER, C/O SHRI P. K. THUMPY GENERAL SECRETARY,  
GURGAON ENGINEERING WORKERS UNION IDPL TOWNSHIP GURGAON

and

THE MANAGEMENT OF M/S AMCO ELECTRONICS PVT. LTD., PLOT NO. 35,  
DUNDAHERA (GURGAON).

*Present:*

Shri P. K. Thumpy for the workman.

None for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the parties, mentioned above, to this Court for adjudication,—*vide* Haryana Government Endst. No. 877—82, dated 6th January, 1993 :—

Whether termination of services of Shri Suresh Chander, is legal and justified? If not, to what relief is he entitled?

2. The facts according to petitioner's claim statement are that he was appointed with the management with effect from 3rd August, 1988. However, his services were illegally terminated by the management with effect from 25th May, 1992 in violation of mandatory provisions of section 25-F of the Industrial Disputes, Act. According to petitioner, he was getting Rs. 1,500 as salary at the time of termination of his service.

3. Notice of reference was sent to the management and they refused to accept the notice, therefore management was proceeded against *ex parte*.

4. In his *ex parte* evidence, workman reiterated his claim and stated that he was appointed as Grinder with effect from 3rd August, 1988 and his services were terminated with effect from 25th May, 1992. Petitioner produced letters Ex. W1 and Ex W2, which were received by him at the address of the respondent management. He further stated that Rati Ram, Om Pal and Balak Ram were working with him with the respondent management. He categorically stated that management did not give any notice or pay in lieu thereof, nor retrenchment compensation was paid to him.

5. Taking into consideration the un rebutted testimony of the petitioner, I am of the view that petitioner continuously worked with the respondent with effect from 3rd August, 1988 to 25th May, 1992. Management did not give any notice or pay in lieu thereof, nor retrenchment compensation was paid to the petitioner. As such, termination of petitioner's service was not legal and justified. Consequently, petitioner is ordered to be reinstated into his job with continuity of service and full back wages.

NIRMAL YADAV,

Dated the 27th May, 1994.

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 833-34, dated the 31st May, 1994.

A copy is forwarded to the :—

1. Labour Commissioner, Haryana, Chandigarh.
2. Labour Officer, Gurgaon.

NIRMAL YADAV,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

No. 14/13/87-6Lab./287.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s. President, Jasat Co-op Credit & Service Society, Jasat (Gurgaon) *versus* Shri Manva Singh.

IN THE COURT OF MRS. NIRMAL YADAV, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 128 of 1993

*between*

SHRI MANVA SINGH, S/O SHRI MOHAR SINGH, VILLAGE AND P. O. JASAT, TEHSIL  
PATAUDI, DISTRICT GURGAON.

*and*

THE MANAGEMENT OF M/S. PRESIDENT, JASAT COOPERATIVE CREDIT AND  
SERVICE SOCIETY LTD. VILLAGE AND P. O. JASAT, TEHSIL PATAUDI, DISTRICT  
GURGAON, (2) SECRETARY, JASAT COOPERATIVE CREDIT AND SERVICE  
SOCIETY VILLAGE AND P. O. JASAT, TEHSIL PATAUDI, DISTRICT GURGAON.

*Present :*

Shri S. K. Yadav for the workman.

None for the management.

## AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, mentioned above to this Court for adjudication,—*vide* Haryana Govt. Labour Department Endorsement No. 15883—89, dated 3rd May, 1993 :—

Whether termination of services of Shri Manva Singh, is legal and justified ? If not, to what relief is he entitled ?

2. The facts according to petitioner's demand notice are that he was appointed as Watchman (Chowkidar) w. e. f. 1st May, 1976 at the salary of Rs. 150 p. m. It is stated that management terminated his services in the month of May, 1986 in violation of the mandatory provisions of law.

3. Notice of reference was sent to the management, but none appeared on behalf of the management, therefore, management was proceeded against *ex parte*.

4. In his *ex-parte* evidence, workman reiterated his claim. He categorically stated that he continuously worked with the management from 1st May, 1976 to 31st May, 1986. Petitioner produced copy of resolution Ex. W1—*vide* which, his appointment was made. Petitioner also produced experience certificate Ex. W2 according to which, petitioner had worked from 1976 to 1986. According to petitioner management did not give any notice or pay in lieu thereof, nor retrenchment compensation was given to him at the time of termination of his service.

5. From the un rebutted testimony of the petitioner, it is clear that petitioner worked for about ten years with the management and his services were terminated in violation of the mandatory provisions of the Industrial Disputes Act, 1947. Termination of service of the petitioner is against the mandatory provisions of section 25F of the Industrial Disputes Act. Consequently, petitioner, is entitled to reinstatement with continuity of service and full back wages.

NIRMAL YADAV,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Dated the 30th May, 1994.

Endorsement No. 831-32, dated 31st May, 1994.

A copy. is forwarded, to the following :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

NIRMAL YADAV,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,  
Gurgaon.

No. 14/13/87-6Lab/288.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Anil Alum; Pvt. Ltd., Gurgaon *versus* Shri Harpal.

IN THE COURT OF MRS. NIRMAL YADAV, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 165/1991

*between*

SHRI HARPAL C/O SHRI SHARDHA NAND, GENERAL SECRETARY,  
AITUC OFFICE, 214/4, MARLA GURGAON

*and*

THE MANAGEMENT OF M/S ANIL ALUMS PVT. LTD., 15/1, DELHI ROAD,  
GURGAON

*Present :*

Shri Shardha Nand, for the workman.

None, for the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub section (i) of Section 10 of the Industrial Disputes Act, 1947 (in short "the Act"), the Governor of Haryana referred the following dispute, between the parties, mentioned above, to this Court, for adjudication,—vide Haryana Government Labour Department Endorsement No. 22114—19, dated the 26th June, 1991 :—

Whether termination of service of Shri Harpal is legal and justified ? If not, to what relief is he entitled ?

2. The facts according to petitioner's claim statement are that he was appointed as helper with the respondent-management with effect from 2nd July, 1990 at the salary of Rs. 870 p.m. However, his services were orally terminated with effect from 18th April, 1991 in violation of the mandatory provisions of section 25-F of the Industrial Disputes Act.

3. Claim of the petitioner is contested by the management stating that petitioner had worked only for 8 months with the management and his appointment was on *ad hoc* basis. It is further stated that petitioner had submitted his resignation on 18th April, 1991. His dispute was also settled before the Labour Officer. Management had paid full and final payment to the petitioner and he had left the job of his own.

4. In view of the pleadings of the parties, issues were framed and case was fixed for evidence of the management on 28th July, 1992. On 28th July, 1992 none appeared on behalf of the management, therefore, management was proceeded against *ex parte*.

5. In his *ex parte* evidence, workman reiterated his claim. He categorically stated that he had continuously worked with the management from 2nd July, 1990 to 18th April, 1991. Management did not give any notice or pay in lieu thereof, nor retrenchment compensation was paid to him. According to petitioner, management did not give any appointment letter at the time of appointment. Petitioner produced copy of the report of the Labour-cum-Conciliation Officer under section 12 (4) of the Industrial Disputes Act, copy of which is Ex. W1. He further stated that management in the written statement also admitted that petitioner had worked with the management for 8 months.

6. From the unrebutted testimony of the petitioner and report of Labour-cum-Conciliation Officer. It is evident that petitioner had continuously worked with the management from 2nd July, 1990 to 18th April, 1991. In the report, Labour-cum-Conciliation Officer has mentioned that management was summoned four times in their office and their representative appeared only on one date i.e. 21st May, 1991. He was asked to submit his written comments on 30th May, 1991, but none appeared on behalf of the management before the Labour-cum-Conciliation Officer. Even in the written statement filed in this Court, management has admitted that petitioner had worked for 8 months with the management. Management has however, pleaded that petitioner himself resigned from the job after taking his full and final payment. But plea of the management that petitioner had resigned from the job is not proved from any cogent evidence as management failed to appear in the Court after filing written statement. In these circumstances, I am of the view that petitioner had continuously worked with the management with effect from 2nd July, 1990 to 18th April, 1991 and that management did not give any notice or pay in lieu thereof, nor retrenchment compensation was paid to him all the time of termination of his services of consequently, termination of services of the petitioner is not legal and justified. Petitioner is entitled to reinstatement with continuity of service and full back wages.

NIRMAL YADAV,

Presiding Officer,  
Industrial Tribunal-Cum-Labour Court,  
Gurgaon.

Dated the 10th May, 1994.

Endorsement No. 827-28, dated 31st May, 1994.

A copy is forwarded to:—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

NIRMAL YADAV,

Presiding Officer,  
Industrial Tribunal-Cum-Labour Court,  
Gurgaon.